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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,563	12/18/2001	Gianluigi Gamberini	377/9-1633	2679

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EXAMINER

TRAN, LOUIS B

ART UNIT PAPER NUMBER

3721

DATE MAILED: 10/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,563

Applicant(s)

GAMBERINI, GIANLUIGI

Examiner

Louis B Tran

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31-40 is/are allowed.
- 6) ☒ Claim(s) 22-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to applicant's amendment, Paper No. 9, received on 08/26/2003. Applicant's cancellation of claims 1-21 in Paper No. 8 is acknowledged.

Drawings

2. The drawing of Figure 9 was received on 08/26/2003. This drawings accepted by the examiner.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 26 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 26 recites the limitation "the inner run" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Objections

6. Claims 25 and 28 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Currently, claim 25 depends from itself. Claim 28 is dependent on claim 25.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 22-24, 26, and 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Benz et al. (4,738,078) in view of Schmermund (3,385,026) in view of Draghetti (5,845,464).

With respect to claim 22, Benz et al. discloses the invention substantially as claimed including a machine for packaging stacks of multiply articles of paper, a first line 2 for conveying and separating stacks of multiply articles of paper, a working station 5 for wrapping stacks of multiply articles of paper, a second line 20 for feeding stepwise heat-weldable wrapping sheets to the working station, each sheet being placed and kept vertically in a waiting position in the working station, a third line 6 including an upstream section fed stepwise with stacks by the first line, and passing crosswise through the working station, the third line moving at least one stack towards the sheet seen in Figure 1, so that the sheet gradually folds around the stack or stacks longitudinal contour while overlapping parallel edges of the sheet are heat-welded as is known in the prior art described in column 1, lines 47-68 (as in claim 22). Benz et al. also shows at least one pair of wheels around which said second endless belts are mounted, said one pair of wheels being situated in said working station and adjustable vertically to adjust the height of the window through which said stack passes as in column 4, lines 36-49 of Benz et al (as in claim 23).

Benz et al. does not show, in the second line, a first means and second means designed for receiving a wrapping sheet from conveying means situated upstream, for pulling said sheet to said working station, for clamping said sheet in said working station in at least on upper area, keeping means cooperating with said first means to allow said sheet to pass through said working station and to be stabilized while dwelling therein, said second means cooperating with said first means to clamp said sheet in said working station in at least a lower area and an upper area, said first means include at least one pair of first endless belts having inner runs cooperating with said keeping means, said first endless belts being mounted around relative wheels and spaced apart to engage, when operated synchronously, corresponding edges of a surface of said second means include at least one pair of second endless belts mounted around wheels and spaced apart to engage, when operated synchronously and with the same speed as said first endless belts, corresponding edges of another surface of said sheet facing said second endless belts, said second endless belts defining a straight section situated in the upper part of said working station.

However Schmermund teaches a first means 8 and second means 16 designed for receiving a wrapping sheet from conveying means situated upstream, for pulling said sheet to said working station, for clamping said sheet in said working station in at least on upper area, keeping means cooperating with said first means to allow said sheet to pass through said working station and to be stabilized while dwelling therein, said second means cooperating with said first means to clamp said sheet in said working station in at least a lower area and an upper area, said first means include at least one

Art Unit: 3721

pair of first endless belts having inner runs cooperating with said keeping means, said first endless belts being mounted around relative wheels and spaced apart to engage, when operated synchronously as seen in Figure 1 for the purpose of retaining a sheet in the correct position as in column 1, lines 5-60 (as in claim 22).

Therefore it would have been obvious to one having ordinary skill in the art to provide Benz et al. with a first and second means for retaining a sheet in position for wrapping.

Moreover, Draghetti teaches the use of corresponding edges of a surface of said second means 32 include at least one second endless belt mounted around wheels and spaced apart to engage, when operated synchronously and with the same speed as said first endless belts as in column 1, lines 35-60, corresponding edges of another surface of said sheet facing said second endless belts, said second endless belts defining a straight section situated in the upper part of said working station as seen in Figure 3 for the purpose of feeding an driving sheets as in column 4, lines 41-55 (as in claim 22), said second means include an upper section and a lower section respectively, with the upper section being comprised of at least one pair of second endless belts mounted around wheels, said second endless belts being spaced apart to engage, when operated synchronously and with a same speed as said first endless belt, corresponding edges of another surface of said sheet facing said second endless belt, said second endless belts defining a straight section situated in the upper part of said working station, said lower section including at least one pair of third endless belts, mounted around wheels and operated synchronously and with the same speed as said

Art Unit: 3721

first endless belts to engage the same edges of the sheet surface which are engaged by said second endless belts, said third endless belts facing the lower part of said straight section of the first endless belts and being spaced apart from said second endless belts to define a window, through which said stack passes (as in claim 24), wherein said keeping means includes suction means (as in claim 27), for the purpose of feeding sheets as in column 4, lines 41-55.

Therefore it would have been obvious to one having ordinary skill in the art to provide Benz et al. with a second means with endless belts in order to drive the wrapping material.

Although Draghetti does not teach the second conveyor belt to be in pairs, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide two strip belts, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Moreover, as stated above, Schmermund does teach the use of strip pair belts and their common equivalent use in the art with standard conveyor belts.

With respect to claim 26, Draghetti further teaches wherein said keeping means extend downwards, so as to keep the maximum possible size of the sheet adherent to the inner run of the first strip-like endless belt as seen in Figure 3 for the purpose of maintaining a sheet as in column 4, lines 41-55.

Therefore it would have been obvious to provide the modified device of Benz et al. with a keeping means similar to Draghetti in order to improve the suction means.

9. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benz et al. (4,738,078) in view of Schmermund (3,385,026) in view Draghetti (5,845,464) in further view of Hammacher et al. (5,309,697).

The modified device of Benz et al. teaches the disclosed invention as claimed but does not show right angle pulling elements having bases and wing elements, said bases hinged to an outer ring extending vertically, said bases being also connected to an inner ring extending vertically and with said wing elements always kept in vertical position, whereas each base is removably connected to said inner ring such that said base is disengageable from the inner ring if stresses acting on said wing overcome a predetermined value (as in claim 29), wherein said pulling elements of said first line are operated with a speed variable with respect to a predetermined medium value, and the instant speed is reduced with respect to said medium value when a stack of articles coming from the connected feeding channels is introduced into the first line.

However, Hammacher et al. teaches the use of right angle pulling elements having bases and wing elements 314, said bases hinged to an outer ring extending vertically, said bases being also connected to an inner ring extending vertically and with said wing elements 314 always kept in vertical position, whereas each base is removably connected to said inner ring such that said base is disengageable from the inner ring if stresses acting on said wing overcome a predetermined value (as in claim 29), wherein said pulling elements of said first line are operated with a speed variable with respect to a predetermined medium value, and the speed is reduced with respect to said medium value when a stack of articles coming from the connected feeding

channels is introduced into the first line (as in claim 30) as seen in Figures 5 and 6 for the purpose of transporting articles as in column 1, lines 4-67.

Therefore it would have been obvious to one having ordinary skill in the art to provide a transporting means in order to effectively transfer products.

Allowable Subject Matter

10. Claims 31-40 are allowed.

Conclusion

11. Applicant's remarks have been fully considered but are deemed moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis B Tran whose telephone number is 703-305-0611. The examiner can normally be reached on 8AM-6PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on 703-308-2187. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

lbt



Rinaldi I. Rada
Supervisory Patent Examiner
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